

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 5-18-93 cm

CERTIFIED TRUE COPY

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC  
SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY  
DOCKET NO.

In the Matter of the Suspension )	
or Revocation of the License of )	Administrative Action
JOHN KIRKLAND, JR., D.D.S. )	
To Practice Dentistry in the )	ORDER
State of New Jersey )	

This matter was opened to the State Board of Dentistry ("Board") on a complaint filed on March 24, 1993 by Robert J. Del Tufo, Attorney General of New Jersey, by Kathy Rohr, Deputy Attorney General, alleging that respondent, John Kirkland, Jr., D.D.S. failed to respond to multiple Board requests to provide patient treatment records for Rodger A. Lee in accordance with the Board's regulation, N.J.A.C. 13:30-8.5. Respondent failed to file an answer to the complaint and failed to produce the records.

A hearing on the complaint was held before the Board on May 5, 1993. Respondent John Kirkland, Jr., D.D.S. appeared pro se and Kathy Rohr, D.A.G. appeared on behalf of the State. Respondent was advised of his right to be represented by counsel in the proceeding, but he indicated to the Board his intention to go forward without counsel.

Respondent admitted the allegations in the complaint and acknowledged his failure to provide the patient records as requested notwithstanding numerous requests for such records from

the Board. He produced the records at the hearing. Dr. Kirkland testified that his failure to comply with the Board requests resulted from the fact that he was so upset by the fact that this complaint had been filed by a patient that he could not bring himself to respond. He stated that he started to formulate a response to the Board on several occasions but was unable to follow through and complete the submission as required.

The Board deliberated on this matter during Executive Session and announced its decision in Public Session on the same date.

The Board having considered the entire record in this matter including the testimony of the respondent and for good cause shown,

IT IS ON THIS 11<sup>th</sup> DAY OF MAY, 1993,

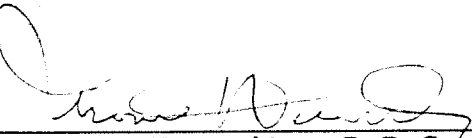
ORDERED:

1. Respondent shall pay a civil penalty in the amount of One Thousand (\$1,000) Dollars which shall be submitted by certified check or money order made payable to the State of New Jersey and sent to the Board of Dentistry at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102, no later than the first day of the month following the entry date of this Order.

2. The costs to the State for these proceedings shall be assessed to the respondent. The Executive Director shall prepare an affidavit attesting to the amount of costs as soon as they are known. Respondent shall pay said costs by submitting a certified check or money order made payable to the State of New Jersey and

mailing it to the Board of Dentistry at the above address no later than thirty (30) days subsequent to receipt of the Executive Director's affidavit setting forth the amount of the costs.

3. Respondent is hereby reprimanded for his failure to comply with Board regulations concerning the provision of patient records and for negligent professional conduct.



---

Jerome Horowitz, D.D.S.  
President  
State Board of Dentistry